

JOSEPH P. RUSSONIELLO (CSBN 44332)
United States Attorney

BRIAN J. STRETCH (CSBN 163973)
Chief, Criminal Division

ALLISON MARSTON DANNER (CSBN 195046)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-7144
FAX: (415) 436-7234
Email:allison.danner@usdoj.gov

Attorneys for the United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 08-0394 JSW
Plaintiff,)	
v.)	MOTION TO ALLOW FILING OF LATE
)	SENTENCING MEMORANDUM AND
JOEL GUADALUPE DUARTE-ANAYA,)	[PROPOSED] ORDER
Defendant.)	
)	Date: September 18, 2008
)	Time: 2:30 p.m.
)	The Honorable Jeffrey S. White

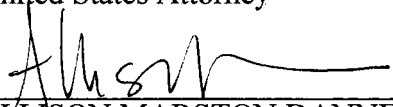
The United States, by and through its attorney, the United States Attorney for the Northern District of California, hereby seeks leave to file a late sentencing memorandum in this case. As more fully explained in the sentencing memorandum, the modified Presentence Report prepared by the Probation Office contained a significantly different Guidelines calculation for this case from that agreed to by the parties. This discrepancy resulted from the discovery by the Probation Officer of a prior conviction of which the parties were until then unaware. Because the Court requested only a modified presentence report in this case, the parties did not have an opportunity to review a draft report before it was provided to the parties on September 10, 2008. Because of the importance of the prior conviction to the Guidelines calculation, the government wished to secure additional documentation with respect to that conviction before filing its sentencing memorandum. The government received that documentation this morning and has

1 now reviewed it. For this reason, the government respectfully requests that this Court allow it to
2 file a sentencing memorandum in this case that is one day late.

3 DATED: September 12, 2008

4 Respectfully submitted,


5 JOSEPH P. RUSSONIELLO
6 United States Attorney

7 
8 ALLISON MARSTON DANNER
9 Assistant United States Attorney

10 For good cause shown, the Clerk of the Court is directed to permit the United States to file a
11 Sentencing Memorandum on September 12, 2008.

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13 IT IS SO ORDERED.

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15 Dated: September 12, 2008

16 
17 JEFFREY S. WHITE
18 United States District Judge
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